

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA

v.

DAVID AIDAN BUTLER,

Defendant.

Case No. 1:22-mj-180

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND AN ARREST WARRANT**

I, Raymond Abruzzese, a Special Agent with Homeland Security Investigations being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I submit this affidavit in support of a criminal complaint and arrest warrant charging **DAVID AIDAN BUTLER**, of the District of Columbia, with transporting visual depictions of minors engaging in sexually explicit conduct (*i.e.*, child pornography), in violation of 18 U.S.C. § 2252(a)(1) and (b)(1). For the reasons set forth below, I submit that probable cause exists to believe that on or about October 6, 2021, BUTLER knowingly transported child pornography into the Eastern District of Virginia from a foreign country.

2. I have been employed as a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations (HSI) since in or around March 2003 and am currently assigned to the Child Exploitation Unit in Reston, Virginia. While employed by HSI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography as well as commercial fraud and immigration fraud. I have gained experience through everyday work relating to conducting these types of investigations. I

also have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) including computer media. Due to my experience and training, I can identify child pornography when I see it.

3. Moreover, I am a federal law enforcement officer who enforces federal criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A, and I am authorized by law to request a search warrant.

4. The facts and information in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

STATUTORY AUTHORITY

5. I know that Section 2252(a)(1) and (b)(1) of Title 18 of the U.S. Code prohibits any person from knowingly transporting or shipping using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

6. I also know that the term “minor” is defined in 18 U.S.C. § 2256(1) as any person under the age of 18 years.

7. “Sexually explicit conduct,” I know, is defined in 18 U.S.C. §2256(2) as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the anus, genitals, or pubic area of any person.

8. I know that the term “visual depiction” is defined in 18 U.S.C. § 2256(5) as undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

9. Moreover, I know that the term “child pornography,” is defined in 18 U.S.C. § 2256(8), as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

CHARACTERISTICS COMMON TO INDIVIDUALS WHO RECEIVE, DISTRIBUTE, POSSESS, OR ACCESS WITH INTENT TO VIEW CHILD PORNOGRAPHY

10. Based on my training and experience related to child exploitation investigations, and the training and experience of other law enforcement officers, I know the following traits and characteristics are generally found to exist and be true in cases involving individuals who seek out and obtain child pornography from the Internet:

a. The majority of individuals who collect child pornography are persons who have a sexual attraction to children. They receive sexual gratification from sexual fantasies fueled by depictions of children that are sexual in nature.

b. Many individuals who collect child pornography often seek out likeminded individuals, either in person or on the internet, to share information and trade depictions of child pornography and child erotica as a means of gaining status, trust, acceptance and support. This

contact also helps these individuals to rationalize and validate their deviant sexual interest and associated behavior. The different internet-based vehicles used by such individuals to communicate with each other include, but are not limited to, websites, email, email groups, bulletin boards, internet chat programs, newsgroups, instant messaging, and other similar vehicles.

c. Many individuals who collect child pornography obtain this material via multiple Internet based applications and websites accessible on a mobile device, not just from a single source.

d. The majority of individuals who collect child pornography often do not dispose of their favorite or most stimulating child sexual abuse materials and may go to great lengths to conceal and protect their collections from discovery, theft, and damage. Your Affiant knows from training and experience that such individuals have been known to maintain possession of their child pornography for years or even decades.

e. Generally, evidence of an individual's illegal activity on their computer devices or mobile devices can be detected through forensic analysis, even if the user deleted the contraband.

SUMMARY OF PROBABLE CAUSE

11. HSI initiated its investigation into **BUTLER** after learning that an online chat account associated with **BUTLER** was used to upload an image file depicting the sexual abuse of a minor. HSI subsequently interviewed **BUTLER** at Dulles International Airport after he returned from an overseas trip and seized a phone belonging to **BUTLER**. A digital forensic analysis of **BUTLER's** cellular telephone has revealed that he transported into the United States images of child pornography, which he knowingly maintained on his phone.

A. Image Uploaded to Kik Messenger on July 19, 2019

12. In or about July 2019, HSI received information from Kik Messenger (Kik)¹ that an individual using the Kik username “DCDAVEY1” uploaded on July 19, 2019, an image file containing suspected child pornography into a Kik chat.

13. Kik provided HSI with the image file uploaded by DCDAVEY1. I viewed this image file and observed that it depicted a prepubescent female positioned in a sexually explicit manner. Specifically, the image file depicts a prepubescent female bent over at her waist with her back toward the camera or device creating the image. The prepubescent female is not wearing underwear, and the image is focused on the prepubescent female’s vagina and anus.

14. Kik also provided the Internet Protocol (IP) address used to upload the aforementioned image file.² HSI determined this IP address was issued by Verizon Fios, and records obtained from Verizon revealed that, on or about July 19, 2019, this IP address was assigned to **BUTLER** at a residence in Washington, D.C. (hereinafter, “**BUTLER’s Residence**”). In addition, records obtained from Kik revealed that DCDAVEY1 was registered to “Davey B” and used the aforementioned IP address to access the Kik account multiple times, including on July 19, 2019.

¹ I know from my training and experience that Kik Messenger is an online chat platform that enables users to chat directly or in groups using text or chatbots.

² Based on my training and experience, I know that an IP address is a unique numeric or alphanumeric string used by a computer or other digital device to access the internet. Every computer or device accessing the internet must be assigned an IP address so that internet traffic sent from and directed to that computer or device may be directed properly from its source to its destination. Most Internet Service Providers (ISPs) control a range of IP addresses. ISPs typically maintain logs of the subscribers to whom IP addresses are assigned on particular dates and times.

B. HSI's Interaction with BUTLER at Dulles International Airport on October 6, 2021

15. On October 6, 2021, I encountered **BUTLER** at Dulles International Airport (Dulles), which is located within the Eastern District of Virginia. **BUTLER** arrived at Dulles on a non-stop flight departing from Dublin, Ireland.

16. I determined there was reasonable suspicion to search any mobile devices in **BUTLER's** possession upon his arrival at Dulles. Based upon my training and experience, I determined it was likely that **BUTLER** would have stored child pornography material on his phone prior to departing the United States so that he could view this material while away from his home. Notably, Kik is primarily a mobile application, making it more likely that evidence would be found on **BUTLER's** cell phone. I also determined, based upon my training and experience, it was probable **BUTLER** also attempted to obtain child pornography via other Internet based applications and/or websites accessible on a mobile device, where it's easy to save images and videos.

17. Pursuant to their border search authority, U.S. Customs and Border Protection (CBP) officers escorted **BUTLER** into the CBP secondary inspection area to search **BUTLER's** baggage and person for contraband. CBP Officers located a Samsung Galaxy S8 smartphone (hereinafter, the "Samsung phone") and a laptop computer. CBP officers turned the two electronic devices over to a HSI Computer Forensic Agent (CFA), who was present at Dulles, for inspection on-site.

18. **BUTLER** was escorted to an interview room in the CBP secondary area. After being read his *Miranda* warnings, **BUTLER** agreed to speak with HSI agents. The interview was audio recorded. During this interview, **BUTLER** made the several admissions and statements, including the following:

- a. **BUTLER** identified DCDAVEY1 as one of his Kik usernames.
- b. **BUTLER** admitted that he had received images on Kik that he would consider child pornography. **BUTLER** stated he was a member of a Kik group in which another unknown group member posted the images. **BUTLER** stated when he saw the images, he “backed” out of the group. Initially, **BUTLER** stated it was only on one occasion that he received child pornography files via Kik. Later, **BUTLER** changed his response and stated he had been a member of other “random” Kik groups in which unknown individuals were posting child pornography files.
- c. At first, **BUTLER** said the electronics detained by CBP would not contain any child pornography. However, after he was confronted with the results of a cursory search of his Samsung phone, **BUTLER** admitted he viewed child pornography on his Samsung phone as recently as September 2021. **BUTLER** stated that viewing child pornography is a fantasy/role playing “thing.”

19. The CFA conducted a routine mobile extraction of **BUTLER**’s Samsung phone at Dulles using Cellebrite’s basic mobile forensics software. The CFA then used the software to review the mobile extraction of the Samsung phone for contraband images and videos. This search was focused on images and videos, any data associated with the Kik application, and any messages linked to the exploitation of children. The CFA had access to other material stored on the phone, but his search was limited to child pornography and child exploitation material. This inspection revealed several image files constituting child pornography, including:

- a. VideoCapture_20210922_105019.jpg, which depicts a prepubescent female performing oral sex on an adult male. Markedly, this image was saved by the device user into a digital image folder.

b. Thumbnaildata_1967290299_embedded_1150.jpg, which depicts a naked prepubescent female laying on her back with her legs spread over her head and a clear view of her vagina.

c. Thumbnaildata__1967290299_embedded_1180.jpg, which depicts an adult male positioned with his erect penis in the face/mouth area of a nude prepubescent female. The prepubescent female is laying on a bed.

20. Because BUTLER's Samsung phone contained contraband (*i.e.*, child pornography) HSI seized the device and transported it to a HSI forensic laboratory in Fairfax, Virginia for further examination.

C. Subsequent Digital Forensic Analysis of BUTLER'S Samsung Phone

21. A digital forensic examination of the Samsung phone was performed on October 6, 2021, shortly after the Samsung phone was brought to the HSI forensic laboratory in Fairfax. An advanced logical extraction of the Samsung phone, using Cellebrite's premium software, revealed over 300 files depicting child pornography. These files were stored in various locations on the Samsung phone, including in the applications Secure Folder³ and Google Hangouts.⁴ For instance, the digital forensic examination revealed seven user-copied applications within the Secure Folder application. One of the applications titled "My Files" was found to contain various subfolders, including subfolders titled "images," "download," and "Videos."

³ Secure Folder was not viewable in the earlier routine mobile extraction at Dulles.

⁴ I know from my training and experience that the "Secure Folder" is an application available on Samsung Android devices that allows the user to create a new user file path and encrypt content with a passcode different then the devices screen lock. The user can create subfolders within the Secure Folder, wherein the user can store image and video files.

The Secure Folder “download” Subfolder

22. The “download” folder was found to contain 32 files (31 images and 1 video), all stored locally on the Samsung phone. Files in the “download” folder include:

a. IOS_imagbhe_upload.jpeg, which depicts a minor female, nude from the waist down, standing up and using her fingers to touch the outside of her vagina. It appears from the forensic examination that this file was last accessed on August 7, 2021, at 2:48:42 PM.

b. IOS_image_uploaed.jpeg , which depicts a nude prepubescent female with her hands and knees on the floor. The image is taken from behind the prepubescent minor, so her vagina and anus are the focus of this image. It appears from the forensic examination that this file was last accessed on April 30, 2021, at 9:07:41 PM.

23. Notably, the forensic review of the Samsung phone uncovered other user activity around the time the file IOS_image_uploaed.jpeg was last accessed. Specifically, on April 30, 2021, at 8:57:20 PM, *i.e.*, just minutes before IOS_image_uploaed.jpeg was last accessed, **BUTLER** sent a text message to his wife regarding medical treatment that he was seeking.

The Secure Folder “Videos” Subfolder

24. The “My Files” application also was found to contain the subfolder “Videos.” Within the “Videos” folder was another subfolder titled “Kik,” which was found to contain three files, including the following videos:

a. 274bba1c-0010-408b-bf64-50b87dbf4659.mp4, which depicts a minor female who removes her clothing and masturbates. It appears from the forensic examination that this file was last accessed on August 7, 2021, at 2:54:39 PM.

b. f9258071-4b85-42fa-9877-a4a25ade0ace.mp4, which depicts a minor female who removes her clothing and masturbates. It appears from the forensic examination that this file was last accessed on August 7, 2021, at 2:51:17 PM.

25. Again, the forensic review of the Samsung phone uncovered other user activity around the time the above-described video files were accessed. Specifically, on August 7, 2021, approximately five to seven minutes after the above-described video files were accessed, images of **BUTLER's** children were accessed.

The Google Hangouts Folder

26. The digital forensic examination also revealed additional child pornography files had been stored in a folder associated with Google Hangouts and connected to davidbutlerfx@gmail.com, which **BUTLER** identified to HSI agents as his email address. Files in the Google Hangouts folder include:

a. Image file 801.jpg, which depicts a minor female, nude, with her legs spread open in a lascivious display of her vagina. It appears from the forensic examination that this file was last accessed on September 2, 2021, at 6:44:07 AM.

b. Image file 855.jpg, which depicts a minor female, nude, masturbating. It appears from the forensic examination that this file was last accessed on September 2, 2021, at 6:46:03 AM.

c. Image file 614.jpg, which depicts a prepubescent female, nude, laying on her back with her legs spread open. An adult male is penetrating the prepubescent female's anus with his erect penis. It appears from the forensic examination that this file was last accessed on September 30, 2021, at 8:37:39 PM.

MyFiles Folder

27. Forensic examination of the Samsung phone also revealed additional media files

stored on the phone in an android\app\myfiles folder. This file path associated with the below listed files indicates the media were stored within a Samsung application which tracks saved media and recently viewed media. Some files found within this folder include:

a. Image file 578.jpg, which depicts a nude female infant/toddler with her arms and legs tied up and pulled away from her body. The focal point of the image is the minor's vagina, and the image depicts sadistic or masochistic abuse. It appears from the forensic examination that this file was last accessed on September 30, 2021, at 8:37:38 PM.

b. Image file 263.jpg, which depicts a nude prepubescent female with her mouth gagged and her arms and legs pulled over her head. The prepubescent female's arms and legs are bound together with what appears to be duct tape. The prepubescent female's vagina is the focal point of this image. This file depicts sadistic or masochistic abuse. It appears from the forensic examination that this file was last accessed on September 17, 2021, at 5:31:02 AM.

c. Image file 802.jpg, which depicts a nude female infant/toddler and a second nude minor female. The nude minor female is performing oral sex on the nude infant/toddler. It appears from the forensic examination that this file was last accessed on September 2, 2021, at 6:44:13 AM.

d. Image file 804.jpg, which depicts an adult male inserting his erect penis into a nude prepubescent female's mouth. The adult male is holding the back of the prepubescent female's head. It appears from the forensic examination that this file was last accessed on September 2, 2021, at 6:44:13 AM.

“Digital Camera Images” Folder

28. The digital forensic examination also resulted in the identification of a folder on the Samsung phone titled “digital camera images” (hereinafter, the “DCIM folder”).⁵ The DCIM folder contains, among other image files, VideoCapture_20210922-105019.jpg, which depicts a prepubescent female performing oral sex on an adult male and appears to be the same image as the one described above in Paragraph 16. This file appears to be a video capture of a video played on the device. The forensic examination revealed this file was last accessed on September 22, 2021, at 2:50:19 PM.

Search Terms

29. Forensic review of the Samsung phone also revealed that on or about June 30, 2020, the user of the phone entered an internet search for “six-year-old bikini hottie.”

D. April 2022 Search of BUTLER’s Residence

30. On or about April 20, 2022, law enforcement agents executed a federal search warrant that had been issued by the U.S. District Court for the District of Columbia. The warrant authorized a search of the Defendant’s Residence for child-pornography-related evidence, and agents ultimately seized multiple electronic devices, including a Dell Demision 3000 laptop (hereinafter, the “Dell laptop”).

31. Forensic examination of the Dell laptop revealed images depicting child pornography contained in the file path “documents and settings\David\local settings\temporary Internet files.” These images have creation dates ranging between 2009 and 2011. Images include:

⁵ Based on my training and experience, I know that images and videos are automatically saved to the DCIM folder. Conversely, I know that a screenshot or video capture must be manually saved by the user for the screenshot or video capture to be stored in the DCIM folder. Images and videos in the DCIM folder are viewable in the Gallery application.

a. Image file 74.58.366923267[1].jpg, which depicts two nude minor females and one nude minor male. One of the nude minor females is performing oral sex on the minor male.

b. Image file ad210639_1291414447[1].jpg, which depicts two minor females with a substance consistent with the appearance of semen on their faces and in their mouths.

c. Image file 92.73.754352357[1].jpg, which depicts two nude prepubescent females and an adult male. One of the prepubescent females has her hand on the adult male's erect penis.

CONCLUSION

32. Based on the forgoing, I submit that there is probable cause to believe that on or about October 6, 2021, **DAVID AIDAN BUTLER** knowingly transported visual depictions of minors engaging in sexually explicit conduct from a foreign country into the Eastern District of Virginia, in violation of 18 U.S.C. § 2252(a)(1) and (b)(1). I, therefore, respectfully request that a criminal complaint and arrest warrant be issued for **BUTLER**.

Respectfully submitted,

RAYMOND M
ABRUZZESE III

Digitally signed by RAYMOND
M ABRUZZESE III
Date: 2022.07.15 13:57:14
-04'00'

Raymond Abruzzese, Special Agent
Homeland Security Investigations

Subscribed and sworn to in accordance
with Fed. R. Crim. P. 4.1 by telephone
on July 18, 2022:

William E. Fitzpatrick
The Honorable William E. Fitzpatrick
United States Magistrate Judge
Alexandria, Virginia